

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2011-466-C

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THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2011-466-C

IN RE: Petition of the Office of Regulatory Staff for) **PETITION OF THE**
Commission to Order a Rule To Show Cause) **OFFICE OF**
as to Why the Certificates of Public) **REGULATORY STAFF**
Convenience and Necessity for Certain) **FOR A RULE TO SHOW**
Providers of Telecommunications Services) **CAUSE**
Should Not Be Revoked)

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission that:

1. The Public Service Commission of South Carolina ("the Commission") is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina. Further, the Commission is responsible for the regulation of telephone utilities operating for compensation as set forth in S.C. Code Ann. §58-9-10 et seq. (Supp. 2010).
2. The Office of Regulatory Staff ("ORS") is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §58-4-10, et seq. (Supp. 2010).
3. The Telecommunications Companies ("Companies") listed in Exhibit A are certificated "telephone utilities" as defined in S.C. Code Ann. §58-9-10(6) (1976) in that they are persons or corporations, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the transmission of intelligence by telephone for hire, including all things incident thereto and related to the operation of telephones.

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4. The Companies listed in Exhibit A and Exhibit B are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-9-710 et seq. (Supp. 2010). Further, they have submitted themselves to the jurisdiction of the Commission by their holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A and Exhibit B.

5. The Telecommunications Companies listed in Exhibit A and Exhibit B, upon receiving their Certificates of Public Convenience and Necessity, were found to possess the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. § 58-9-280(B)(1) (Supp. 2010).

6. Pursuant to S.C. Code Ann. § 58-3-100, 58-3-540; 58-4-60; and 58-9-370 (Supp. 2010), the public utilities subject to the Commission's jurisdiction are assessed by the Department of Revenue based on amounts that are certified by the Commission, the review committee, and ORS to be assessed. ORS may require reports and special reports concerning any matter about which the ORS is authorized to inquire or keep itself informed or which it is required to enforce.

7. The Companies listed in Exhibit A have failed to submit the requisite gross receipts filings. ORS has made attempts to contact these companies to obtain the gross receipts forms.

8. ORS has the responsibility to ensure that telephone utilities are filing certain reports. "Subject to the approval of the Commission, the Office of Regulatory Staff may require any telephone utility to file annual reports in such form and of such content as the Office of Regulatory Staff may require and special reports concerning any matter about which the Office of Regulatory Staff is authorized to inquire or keep itself informed or which it is required to enforce." S.C. Code Ann. § 58-9-370 (A) (Supp. 2010)

9. The Universal Service Fund ("USF") is administered by the ORS under guidelines adopted by the Commission. S.C. Code Ann. § 58-9-280 (E) (Supp. 2010)

10. The Commission USF guidelines approved in Order No. 2001-996, requires each carrier to file on an annual basis the information necessary to allow ORS to calculate the carrier's contribution. The annual filing referred to as the Universal Service Fund Contribution Worksheet ("USF Report").

11. The Companies listed in Exhibit B have failed to submit the requisite USF Report. ORS has made attempts to contact these companies to obtain the gross receipts forms.

12. The information for the business entities listed in Exhibit A and Exhibit B accurately reflects the information on file with the South Carolina Secretary of State. See Exhibit C, Affidavit of Dawn Hipp.

13. “Each telephone utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Commission and every direction, rule or regulation made or prescribed by the Office of Regulatory Staff in the performance ... or in relation to any other matter in any way relating to or affecting the business of such telephone utility and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees.” S.C. Code Ann. § 58-9-390 (Supp. 2010).

14. Pursuant to S.C. Code Ann. §58-9-1120 (Supp. 2010), “the Commission may ... conduct such other hearings as may be required in the administration of the powers and duties conferred by Articles 1 through 13 of this chapter and by other laws relating to telephone utilities.”

WHEREFORE, the ORS staff prays that the Honorable Commission:

1. Enter an order establishing a Rule to Show Cause instituting a formal proceeding against the persons and business entities listed in Exhibit A and Exhibit B.

2. For the persons and business entities listed in Exhibit A and Exhibit B, pursuant to 26 S.C. Code Regs. 103-830, cause a copy of this petition to be served upon such named respondents or other proper person or entity.

3. Require the parties to submit an Answer to this Petition within the deadlines prescribed by the Commission’s rules and regulations.

4. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate pursuant to S.C. Code Ann. §58-9-820 (Supp. 2010).

5. Find that the Companies listed in Exhibit A and Exhibit B have not complied with orders, decisions, directions, rules and regulations made or prescribed by the Commission.
6. Enter a final order canceling the Certificates held by the Companies listed in Exhibit A and Exhibit B.
7. Take other appropriate action which the Commission may deem necessary.


Nanette S. Edwards, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
Telephone: (803) 737-0800
Fax: (803) 737-0895

November 10, 2011
Columbia, South Carolina

Exhibit A
Docket No. 2011- -C
Rule to Show Cause Telecommunications Carriers Non-Compliant with Gross Receipts Filing 2011

November 9, 2011

#	Company Name	DBA	Certificate Type	Address	City	State	Zip	Docket #	Order #	Date Certified	Secretary of State Standing
1	BCN Telecom, Incorporated f/k/a NUI Telecom, Inc.		CLEC/XC	107 W Michigan 4th Fl	Kalamazoo	MI	49007-3946	1999-418-C	2000-73	1/19/2000	Forfeiture
2	Coastal Telephone Systems, Inc		PSP	6 Apache Trail	Myrtle Beach	SC	29575	1985-150-C	1987-1375	12/16/1987	Dissolved
3	FSH Communications, LLC		PSP	19814 Skyridge Rd	Mt Vernon	WA	98274	1985-150-C	2008-387	5/21/2008	Good Standing
4	Garvin Oil Company, Inc.		PSP	PO Box 1249	Wagener	SC	29164-1249	1985-150-C	1996-29	1/10/1996	Good Standing
5	Jim & Peggy's Social Club, Inc.		PSP	PO Box 532	Westminister	SC	29693-0532	1985-150-C	2003-499	8/13/2003	Good Standing
6	Milton C. McCarty		PSP	PO Box 32	Dalzell	SC	29040	1985-150-C	1996-485	7/18/1996	Not Registered
7	QX Telecom, LLC		DXC	230 Fifth Avenue, Ste 800	New York	NY	10001	2001-469-C	2002-366	5/12/2002	Good Standing
8	River Bottom Ventures, LLC		PSP	357 Cedar Creek Rd.	Swansea	SC	29160	1985-150-C	2002-206	3/20/2002	Good Standing
9	TON Services, Inc.		PSP	4185 Harrison Blvd Ste 301	Ogden	UT	84403-2499	1985-150-C	1997-866	10/13/1997	Dissolved
10	Touch Tone Communications		DXC	16 South Jefferson Road	Whippany	NJ	07981	2002-364-C	2003-310	5/7/2003	Good Standing

Exhibit B

Docket No. 2011- -C

Rule to Show Cause Telecommunications Carriers Non-Compliant with USF Report 2011

November 9, 2011

#	Company Name	DBA	Certificate Type	Address	City	State	Zip	Docket #	Order #	Date Certified	Secretary of State Standing
1	OLS, Inc.		IXC	217 Roswell Street, Suite 100	Alpharetta	GA	30009	1998-285-C	1998-941	11/30/98	Good Standing
2	QX Telecom, LLC		IXC	230 Fifth Avenue, Ste 800	New York	NY	10001	2001-469-C	2002-366	05/15/02	Good Standing

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2011-__-C

November 9, 2011

IN RE: Petition of the Office of Regulatory Staff for)
 Commission to Order a Rule To Show Cause)
 as to Why the Certificates of Public) **AFFIDAVIT OF DAWN**
 Convenience and Necessity for Certain) **M. HIPP**
 Providers of Telecommunications Services)
 Should Not Be Revoked)

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Dawn Hipp and I am employed by the Office of Regulatory Staff ("ORS") as the Director of Telecommunications, Transportation, Water and Wastewater.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) It is the regular business practice of ORS to maintain certain business records required to be filed by telecommunications carriers that are subject to the jurisdiction of the PSC.
- 4) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 5) On November 4, 2011, I examined the business records on file with ORS.
- 6) As a result of that examination, I attest that the Gross Receipts Forms and USF Reports have not been filed with ORS by the following

EXHIBIT C


telecommunications carriers as of November 4, 2011: (Exhibit A and Exhibit B)

- 7) I and/or personnel under my direction researched the South Carolina Secretary of State's website in order to determine the corporate status of the business entities listed in Exhibit A and Exhibit B of this petition. I attest that, to the best of my knowledge, the corporate statuses of the business entities listed in Exhibit A and Exhibit B are accurate.

AND FURTHER THE AFFIANT SAYETH NOT.


DAWN M. HIPPI
Director
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

Sworn and subscribed before me
this 9th day of November, 2011



Notary Public for South Carolina
My Commission Expires: May 3rd 2017

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THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2011- -C

IN RE:	Petition of the Office of Regulatory Staff for)	
	Commission to Order a Rule To Show Cause)	
	as to Why the Certificates of Public)	CERTIFICATE OF
	Convenience and Necessity for Certain)	SERVICE
	Providers of Telecommunications Services)	
	Should Not Be Revoked)	

This is to certify that I, Faith E. Shehane, have this date served one (1) copy of the **PETITION OF THE OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

[PARTY ADDRESS LIST TO FOLLOW ON SEPARATE PAGE]


Faith E. Shehane

November 10, 2011
Columbia, South Carolina

BCN Telecom, Incorporated
f/k/a NUI Telecom, Inc.
107 W. Michigan, 4th Floor
Kalamazoo, MI 49007-3946

Coastal Telephone Systems, Inc.
6 Apache Trail
Myrtle Beach, SC 29575

FSH Communications, LLC
19814 Skyridge Road
Mt. Vernon, WA 98274

Garvin Oil Company, Inc.
PO Box 1249
Wagener, SC 29164-1249

Jim & Peggy's Social Club, Inc.
PO Box 532
Westminster, SC 29693-0532

Milton C. McCarty
PO Box 32
Dalzell, SC 29040

QX Telecom, LLC
230 Fifth Avenue, Ste 800
New York, NY 10001

River Bottom Ventures, LLC
357 Cedar Creek Road
Swansea, SC 29160

TON Services, Inc.
4185 Harrison Blvd, Ste 301
Ogden, UT 84403-2499

Touch Tone Communications
16 South Jefferson Road
Whippany, NJ 07981

OLS, Inc.
217 Roswell Street, Suite 100
Alpharetta, GA 30009